Gillman & Gillman, LLC 770 Amboy Avenue Edison, New Jersey 08837 Phone (732) 661-1664 Attorney for Debtors By: Justin M. Gillman, Esq.

# UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY

In re:

Ramon DeOcampo Kathleen DeOcampo

Debtor(s).

Chapter: 13

Case No.: 17-34747

Hearing Date: 10/9/2018

Judge: Hon. Michael B. Kaplan, USBJ

## **CERTIFICATION OF DEBTOR IN SUPPORT OF CONFIRMATION**

Ramon DeOcampo, being of full age, certifies as follows:

- 1. My wife, Kathleen DeOcampo, and I are the Debtors in the above referenced Chapter 13 Bankruptcy case and I make this Certification from personal knowledge in support of the Chapter 13 Plan in our case and in response to the Trustee's Objection to Confirmation.
  - 2. Our Chapter 13 case was filed on December 8, 2017.
- 3. On September 11, 2018, we filed a Modified Plan and Amended Schedules I & J to reflect our current financial circumstances. See Docket No. 37 and Docket No. 38. The Modified Plan proposes to make regular Trustee payments of \$300.00 beginning September 1, 2018 for the remaining fifty-two (52) months of the Plan. The Plan proposes to cure the arrears owed on the first mortgage of Quicken Loans. The Modified Plan also proposes to resume regular monthly payments to Shellpoint Mortgage Servicing on the second mortgage and obtain

a loan modification to address the arrears.

- 4. On January 12, 2018, the Trustee filed an Objection to Confirmation. See Docket No. 18. On February 7, 2018, the Trustee filed an Amended Objection to Confirmation. See Docket entry 20.
  - 5. The Trustee's Objection was based on the following:

The debtor has failed to supply the Trustee with the following document(s):

- Sav Plan Loan 1, 2 and 3 balance statements for Kathleen / 401k loan balance for Ramon
- Amendments to Schedules 22C-2 line 43 changes in debtor's 2nd job \$1,700 listed as additional expenses (most recent paystub as of 11/17) Must file amended schedules and updated POI and Amend 22C-1 and 22C-2
- The debtor has undertaken an improper use of exemption. Specifically: (d)(3) for Timeshare
- The debtor(s) plan consists of unnecessary or excessive expense items, such as: Home maintenance \$240/ Telephone \$525/ Food \$1,600/ Vehicle insurance \$533 / Timeshare maintenance fees \$65
- The debtor(s) is not paying all disposable income into the plan pursuant to either Schedules I & J or Form 22C based upon the Trustee's review of the income and tax returns provided. The Trustee's calculations are higher for the following reason(s): Income for Kathleen verifies higher due to Bonus and Encore Award
- Need an evaluation for Timeshare
- The Plan provides for payment on unsecured claims of less than that which would be distributed upon liquidation under Chapter 7, as prohibited by 11 U.S.C. § 1325(a)(4): There is equity of \$4350 in the Timeshare.
- 6. I submit this Certification as I believe recent changes in my financial circumstances and employment situation address a large portion of the Trustee's Objection.

#### CHANGE IN RAMON EMPLOYMENT AND INCOME

7. At the time of the filing of the case, I was employed as a tool and mold maker for Thal Precision Industries for about six (6) years. I was also employed in a second job with Home Depot.

- 8. The Amended Schedules I and J reflect the changes in my employment since the filing of the case. After the filing of the Bankruptcy case, my fellow employees and I were advised by the owner of Thal that they were in the process of a sale and possible closure of the company. Since that time, my employer transitioned its location and was renamed Thal Mold Building, LLC. Beginning in April, 2018 I am now fully employed through this new employer.
- 9. After the filing of my Bankruptcy case, I was forced to leave my second job with Home Depot in early April 2018 as I was advised by my employer that we were unable to retain two positions to continue our employment. Although I applied for unemployment benefits, they were denied as I was determined to have voluntarily left work and retained a full time job.
- 10. In the Amendment to Schedule I, I include my regular check of \$1,188.00 per week plus an average of \$178.20 in weekly overtime income. This is based on approximately 4 hours of overtime income per week at the overtime rate of \$44.00 per hour. My opportunity for overtime income is limited in my new employment and I believe this is a reasonable and fair estimate of my overtime income going forward.
- 11. In the months since the transition, this is the amount of overtime which I have received. See Thal Moldbuilding LLC paystubs from May 25, 2018, to July 6, 2018, attached as Exhibit A.

## **DEBTORS' EXPENSES**

12. As to the Trustee's objection to our expenses, home maintenance of \$240.00 is necessary as my wife and I both work full time and the \$240.00 per month is the estimated amount to maintain our lawn, snow removal and any and all maintenance and necessary repairs to our property.

- 13. Our telephone expenses of \$525.00 includes our home services for cable, internet and home phone, as well as our wireless carrier for four lines which include our children.
- 14. The Trustee originally objected to our food expense of \$1,600.00. The amendments to Schedules I and J which were filed with the Court reflect a reduction in that amount to \$1,300.00. We believe that the \$1,300.00 per month is an accurate and reasonable amount considering our family size of four (4). Due to our work demands, this accounts for approximately \$300.00 per week in food and housekeeping expenses. The reduction in our monthly amount from the originally filed Plan is based on my reduction to one job which allows us to reduce our expenses.
- 15. Our vehicle insurance expense of \$533.00 a month is extremely high but also includes our expenses for all drivers including our children who were 17 and 18 years respectively when the case was filed.
- 16. The Trustee indicates that he believes that our timeshare expenses of \$65 per month is not reasonable or necessary. The Amended Schedules I & J which have been filed eliminate this amount as we are in the process of surrendering the timeshare unit and/or reaching an agreement not to pay future expenses as they may be covered by family members.
- 17. As to the Trustee's Objection to the valuation of our timeshare, we do not believe there is any equity in the timeshare. We have talked with the timeshare company about selling the timeshare and they indicated there is currently no resale value of the unit. We were advised that we could surrender the timeshare unit to terminate our future expenses but that there would be no payment received.
  - 18. Therefore, we request that the Modified Plan be confirmed as proposed.

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I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: September 19, 2018 /s/Ramon DeOcampo

Ramon DeOcampo

# **EXHIBIT A**

THAL MCASE 1170-34747-MBK Doc 4408-DFiled 09/19/18 Entered 09/19/18 16:31:40
85 REMINGTON BLVD
RONKONKOMA, NY 11779-6923
Document Page 7 of 13
05/25/201 631-580-3506

Desc Main Deposit

Payrolls by Paychex,

PAY TO THE ORDER OF

RAMON P DEOCAMPO 175 PULASKI AVE SAYREVILLE NJ 08872

FARNINGS

Total Net Direct Deposit(s) \*\* \$936 . 46\*\*

AMOUNT

VOID THIS IS NOT A CHECK.....

JPMORGAN CHASE BANK, N.A.

NON-NEGOTIABL

AUTHORIZED SIGNATURE(S)

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Payrolls by Paychex, Inc.

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RAMON P DEOCAMPO 175 PULASKI AVE SAYREVILLE, NJ 08872	LAMMINO	DESCRIPTION	HRS/ UNITS	RATE	CURRENT (\$)	YTD HRS/ UNITS	YTD (\$)
Soc Sec #: XXX-XX-XXXX Employee ID: Hire Date: 03/21/18 Status: FT		HOURLY OVERTIME HOLIDAY PTO	40.00 1.25	29.7000 44.5500	1188.00 55.69	295.50 34.50 8.00 56.00	8776.35 1536.99 237.60 1663.20
Filing Status: Federal: Married, 0 State: NJ, Single, 1 Br/Dept: 3/1		HOURS WORKED ADJ EARNINGS GROSS EARNINGS	41.25 41.25		1243.69 1243.69	330.00 394.00	12214.14 12214.14
Pay Period: 05/17/18 to 05/23/18 Check Date: 05/25/18 Check #: Direct Deposit	WITHHOLDINGS	DESCRIPTION			CURRENT (\$)	Nation 1997	YTD (\$)

MET DAY AL	LOCATIONS	-
-2.54		
AVAIL BAL		
DESCRIPTION PTO WEEKLY	NO WAITING PERIOD - DAYS	
DESCRIPTION		

PAY	ALLUCATIONS

TIME OFF (Based On Policy Year)

DESCRIPTION	CURRENT (\$)	YTD (\$)
<b>CHECKING 1 - 0135</b>	936.46	9029.75
Net Pay	936.46	9029.75

DESCRIPTION         CURRENT (\$)         YT           FEDERAL W/H         140.26         152           ADDTL FEDERAL 25.00         77.11         75           MEDICARE         18.03         17
ADDTL FEDERAL 25.00 OASDI 77.11 75
OASDI 77.11 75
MEDICARE 18.03 17
STATE W/H NJ 63.06 64 ADDTL STATE 20.00
STATE SDI NJ 2.36 2
STATE SUI NJ 4.76
NJ EE WORKFORCE DEV 0.53
NJ EMPLOYEE FLI 1.12 1
TOTAL 307.23 318

CURRENT (\$) YTD (\$) **NET PAY** 936.46 9029.75

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RONKOMA, NY 11779-6923

Document Page 8 of 13

06/01/201 631-580-3506

06/01/2018

Desc Main Deposit

Payrolls by Paychex, Inc.

PAY TO THE ORDER OF

Payrolls by Paychex, Inc.

RAMON P DEOCAMPO 175 PULASKI AVE SAYREVILLE NJ 08872

Total Net Direct Deposit(s) \*\*\$917.34\*\*

AMOUNT

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PERSONAL AND CHECK INFORMATION RAMON P DEOCAMPO 175 PULASKI AVE SAYREVILLE, NJ 08872	EARNINGS	DESCRIPTION	HRS/ UNITS	RATE	CURRENT (\$)	YTD HRS/ UNITS	YTD (\$)
Soc Sec #: XXX-XX-XXXX Employee ID: Hire Date: 03/21/18		HOURLY OVERTIME HOLIDAY PTO	33.00 8.00	29.7000 29.7000	980.10 237.60	328.50 34.50 16.00 56.00	9756.45 1536.99 475.20 1663.20
Status: FT Filing Status: Federal: Married, 0 State: NJ, Single, 1 Br/Dept: 3/1		HOURS WORKED ADJ EARNINGS GROSS EARNINGS	33.00 41.00		1217.70 1217.70	363.00 435.00	13431.84 13431.84
Pay Period: 05/24/18 to 05/30/18 Check Date: 06/01/18	WITHHOLDINGS	DESCRIPTION			CURRENT (\$)		YTD (\$)
TIME OFF (Based On Policy Year)	1000	FEDERAL W/H ADDTL FEDERAL 25.0	0		137.14		1658.44
DESCRIPTION PTO WEEKLY NO WAITING PERIOD - DAYS AVAIL BAL		OASDI MEDICARE STATE W/H NJ ADDTL STATE 20.00			75.50 17.66 61.47		832.79 194.77 704.06
-2.15  NET PAY ALLOCATIONS		STATE SDI NJ STATE SUI NJ NJ EE WORKFORCE DE	≣V		2.31 4.66 0.52		25.52 51.38 5.70
DESCRIPTION         CURRENT (\$)         YTD (\$)           CHECKING 1 - 0135         917.34         9947.09           Net Pay         917.34         9947.09		NJ EMPLOYEE FLI			1.10 300.36		12.09 3484.75

CURRENT (\$) YTD (\$) **NET PAY** 917.34 9947.09

631-580-3506

06/08/2018

Desc Main Deposit

Payrolls by Paychex, Inc.

CHECK NO. DATE

PAY TO THE ORDER OF

Payrolls by Paychex, Inc.

RAMON P DEOCAMPO 175 PULASKI AVE SAYREVILLE NJ 08872

Total Net Direct Deposit(s)

\*\*\$928.27\*\*

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JPMORGAN CHASE BANK, N.A.

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AUTHORIZED SIGNATURE(S)

FOLD AND REMOVE						FOLD AND	REMOVE 1
PERSONAL AND CHECK INFORMATION	EARNINGS						
RAMON P DEOCAMPO	99	DESCRIPTION	HRS/	RATE	CURRENT (\$)	YTD HRS/	YTD (\$)
175 PULASKI AVE	Name of the state		UNITS		, ,	UNITS	
SAYREVILLE, NJ 08872	e de la companya del companya de la companya del companya de la co						
		HOURLY	33.50	29.7000	994.95	362.00	10751.40
Soc Sec #: XXX-XX-XXXX Employee ID		OVERTIME				34.50	1536.99
Hire Date: 03/21/18	De seguinos	HOLIDAY				16.00	475.20
Status: FT		PTO	8.00	29.7000	237.60	64.00	1900.80
Filing Status:							
Federal: Married, 0	The second secon	HOURS WORKED	33.50			396.50	
State: NJ, Single, 1		ADJ EARNINGS			1232.55		14664.39
Br/Dept: 3/1		GROSS EARNINGS	41.50		1232.55	476.50	14664.39
Pay Period: 05/31/18 to 06/06/18	WITHHOLDINGS	DESCRIPTION			CURRENT (\$)		YTD (\$)
Check Date: 06/08/18 Check #: Direct Deposit	_						
TIME OFF (Based On Policy Year)		FEDERAL W/H			138.93		1797.37
		ADDTL FEDERAL 25.00	0				
DESCRIPTION		OASDI			76.42		909.21
PTO WEEKLY NO WAITING PERIOD - DAYS		MEDICARE			17.87		212.64
AVAIL BAL		STATE W/H NJ			62.38		766.44
-2.77		ADDTL STATE 20.00					
		STATE SDI NJ			2.34		27.86
NET PAY ALLOCATIONS		STATE SUI NJ			4.71		56.09
		NJ EE WORKFORCE DE	EV		0.52		6.22
DESCRIPTION CURRENT (\$) YTD (\$)		NJ EMPLOYEE FLI			1.11		13.20
CHECKING 1 - 0135 928.27 10875.36							
Net Pay 928.27 10875.36		TOTAL			304.28		3789.03

NET PAY	CURRENT (\$)	YTD (\$)
NEIPAI	928.27	10875.36

THAL 16ase 1574-34747-MBK Doc 44408 Filed 1609/19/18 Entered 09/19/18 16:31:40 Desc Main Brewn 1779-6923 Document Page 10 of 13 06/15/2018 Deposit 631-580-3506

Deposit

Payrolls by Paychex, Inc.

CHECK NO.

PAY TO THE ORDER OF

Payrolls by Paychex, Inc.

RAMON P DEOCAMPO 175 PULASKI AVE SAYREVILLE NJ 08872

Total Net Direct Deposit(s)

\*\*\$1026.56\*\*

AMOUNT

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AUTHORIZED SIGNATURE(S)

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PERSONAL AND CHECK INFORMATION	EARNINGS						
RAMON P DEOCAMPO		DESCRIPTION	HRS/	RATE	CURRENT (\$)	YTD HRS/	YTD (\$)
175 PULASKI AVE			UNITS			UNITS	
SAYREVILLE, NJ 08872							
		HOURLY	40.00	29.7000	1188.00	402.00	11939.40
Soc Sec #: XXX-XX-XXXX Employee II		OVERTIME	4.00	44.5500	178.20	38.50	1715.19
Hire Date: 03/21/18		HOLIDAY				16.00	475.20
Status: FT		PTO				64.00	1900.80
Filing Status:							
Federal: Married, 0		HOURS WORKED	44.00			440.50	
State: NJ, Single, 1		ADJ EARNINGS	44.00		1366.20		16030.59
Br/Dept: 3/1		GROSS EARNINGS	44.00		1366.20	520.50	16030.59
Pay Period: 06/07/18 to 06/13/18	WITHHOLDINGS	DESCRIPTION			CURRENT (\$)		YTD (\$)
Check Date: 06/15/18 Check #: Direct Deposit					(.,		(17)
TIME OFF (Based On Policy Year)		FEDERAL W/H			154.96		1952.33
		ADDTL FEDERAL 25.00					
DESCRIPTION		OASDI			84.70		993.91
PTO WEEKLY NO WAITING PERIOD - DAYS		MEDICARE			19.81		232.45
AVAIL BAL		STATE W/H NJ			70.53		836.97
-2.38		ADDTL STATE 20.00					
		STATE SDI NJ			2.60		30.46
NET PAY ALLOCATIONS		STATE SUI NJ			5.23		61.32
SECONDITION OF THE CO.		NJ EE WORKFORCE DEV	,		0.58		6.80
DESCRIPTION CURRENT (\$) YTD (\$)	ammunitari di Santa d	NJ EMPLOYEE FLI			1.23		14.43
CHECKING 1 - 0135 1026.56 11901.92							
Net Pay 1026.56 11901.92		TOTAL			339.64		4128.67

CURRENT (\$) YTD (\$) **NET PAY** 1026.56 11901.92

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Desc Main Deposit

Payrolls by Paychex,

PAY TO THE ORDER OF

Payrolls by Paychex, Inc.

RAMON P DEOCAMPO 175 PULASKI AVE SAYREVILLE NJ 08872

Total Net Direct Deposit(s) \$993.807

AMOUNT

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PTO WEEKLY NO WAITING PERIOD - DAYS

CURRENT (\$)

993.80

993.80

YTD (\$)

12895.72

12895.72

AVAIL BAL -2.00

DESCRIPTION

**Net Pay** 

**CHECKING 1 - 0135** 

**NET PAY ALLOCATIONS** 

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251.61

904.78

32.97

66.38

15.62

4456.52

7.36

AUTHORIZED SIGNATURE(S)

19.16

67.81

2.51

5.06

0.56

1.19

327.85

PERSONAL AND CHECK INFORMATION **EARNINGS** YTD HRS/ RAMON P DEOCAMPO DESCRIPTION HRS/ RATE CURRENT (\$) YTD (\$) 175 PULASKI AVE UNITS UNITS SAYREVILLE, NJ 08872 HOURLY 40.00 29.7000 1188.00 442.00 13127.40 Soc Sec #: XXX-XX-XXXX Employee ID **OVERTIME** 3.00 44 5500 133 65 41 50 1848.84 Hire Date: 03/21/18 HOLIDAY 16.00 475.20 64.00 1900.80 Status: FT PTO Filing Status: 483.50 Federal: Married, 0 HOURS WORKED 43.00 17352.24 State: NJ, Single, 1 ADJ EARNINGS 1321.65 Br/Dept: 3/1 **GROSS EARNINGS** 43.00 1321.65 563.50 17352.24 WITHHOLDINGS Pay Period: 06/14/18 to 06/20/18 DESCRIPTION CURRENT (\$) YTD (\$) Check Date: 06/22/18 Check #: Direct Deposit 149.62 2101.95 TIME OFF (Based On Policy Year) FEDERAL W/H ADDTL FEDERAL 25.00 1075.85 DESCRIPTION OASDI 81.94

**MEDICARE** 

STATE W/H NJ

STATE SDI NJ

STATE SUI NJ

TOTAL

NJ EMPLOYEE FLI

ADDTL STATE 20.00

NJ EE WORKFORCE DEV

CURRENT (\$) YTD (\$) **NET PAY** 993.80 12895.72

THAL MGase 17-34747-MBK 85 REMINGTON BLVD RONKONKOMA, NY 11779-6923 631-580-3506

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06/29/2018

Desc Main **Deposit** 

Payrolls by Paychex,

CHECK NO.

PAY TO THE ORDER OF

Payrolls by Paychex, Inc.

RAMON P DEOCAMPO 175 PULASKI AVE SAYREVILLE NJ 08872

Total Net Direct Deposit(s) \*\*\$977.43\*\*

AMOUNT

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AUTHORIZED SIGNATURE(S)

321.95

4778.47

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FOLD AND REMOVE						FOLD AND	REMOVE
PERSONAL AND CHECK INFORMATION	EARNINGS	**************************************					
RAMON P DEOCAMPO	- Commence	DESCRIPTION	HRS/	RATE	CURRENT (\$)	YTD HRS/	YTD (\$)
175 PULASKI AVE	The second secon		UNITS			UNITS	
SAYREVILLE, NJ 08872	Apparent of the second of the						
		HOURLY	40.00	29.7000	1188.00	482.00	14315.40
Soc Sec #: XXX-XX-XXXX Employee II	the second secon	OVERTIME	2.50	44.5500	111.38	44.00	1960.22
Hire Date: 03/21/18	Administrative	HOLIDAY				16.00	475.20
Status: FT	Attenue	PTO				64.00	1900.80
Filing Status:	Commence of the Commence of th						
Federal: Married, 0	Yerenant	HOURS WORKED	42.50			526.00	
State: NJ, Single, 1		ADJ EARNINGS			1299.38		18651.62
Br/Dept: 3/1		GROSS EARNINGS	42.50		1299.38	606.00	18651.62
Pay Period: 06/21/18 to 06/27/18	WITHHOLDINGS	DESCRIPTION			CURRENT (\$)		YTD (\$)
Check Date: 06/29/18 Check #: Direct Deposit	Name of the latest and the latest an						
TIME OFF (Based On Policy Year)	- Address	FEDERAL W/H			146.94		2248.89
	A Comment of the Comm	ADDTL FEDERAL 25.00					
DESCRIPTION	A	OASDI			80.56		1156.41
PTO WEEKLY NO WAITING PERIOD - DAYS	- Comment	MEDICARE			18.84		270.45
AVAIL BAL	Communication of the Communica	STATE W/H NJ			66.45		971.23
-1.62	PP failure	ADDTL STATE 20.00					
	- Opposite the state of the sta	STATE SDI NJ			2.47		35.44
NET PAY ALLOCATIONS	a management of the control of the c	STATE SUI NJ			4.97		71.35
		NJ EE WORKFORCE DE'	V		0.55		7.91
DESCRIPTION CURRENT (\$) YTD (\$)	Venderote	NJ EMPLOYEE FLI			1.17		16.79

TOTAL

CURRENT (\$) YTD (\$) **NET PAY** 13873.15 977.43

**CHECKING 1 - 0135** 

Net Pay

13873.15

13873.15

977.43

977.43

THAL MGase 117e34747-MBK 85 REMINGTON BLVD RONKONKOMA, NY 11779-6923 631-580-3506

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Desc Main Deposit

Payrolls by Paychex, Inc.

CHECK NO. DATE

PAY TO THE ORDER OF

RAMON P DEOCAMPO 175 PULASKI AVE SAYREVILLE NJ 08872

Total Net Direct Deposit(s) \*\*\$950.10\*\*

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JPMORGAN CHASE BANK, N.A.

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AUTHORIZED SIGNATURE(S

312.15

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Payrolls by Paychex, Inc.

FOLD AND REMOVE

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PERSONAL AND ( RAMON P DEOCAM 175 PULASKI AVE SAYREVILLE, NJ 08		ON	EARNINGS	DESCRIPTION	HRS/ UNITS	RATE	CURRENT (\$)	YTD HRS/ UNITS	YTD (\$)
				HOURLY	34.50	29.7000	1024.65	516.50	15340.05
Soc Sec #: XXX-XX-	XXXX Employee ID:			OVERTIME				44.00	1960.22
Hire Date: 03/21/18			Marin 1988	HOLIDAY	8.00	29.7000	237.60	24.00	712.80
Status: FT				PTO				64.00	1900.80
Filing Status:									
Federal: Married, 0			Name and the second	HOURS WORKED	34.50			560.50	
State: NJ, Single, 1				ADJ EARNINGS			1262.25		19913.87
Br/Dept: 3/1				GROSS EARNINGS	42.50		1262.25	648.50	19913.87
Pay Period: 06/28/18	3 to 07/04/18		WITHHOLDINGS	DESCRIPTION			CURRENT (\$)		YTD (\$)
Check Date: 07/06/1	8 Check #: Direct	t Deposit							
TIME OFF (Based O	n Policy Year)			FEDERAL W/H			142.49		2391.38
				ADDTL FEDERAL 25.	00				
DESCRIPTION				OASDI			78.26		1234.67
PTO WEEKLY NO W	AITING PERIOD - DAYS			MEDICARE			18.30		288.75
AVAIL BAL			Maria Maria	STATE W/H NJ			64.19		1035.42
-1.23			On the second se	ADDTL STATE 20.00					
			Maria de la compania del compania del compania de la compania del la compania de la compania del la compania de la compania del la comp	STATE SDI NJ			2.40		37.84
NET PAY ALLOCA	TIONS		360 101 101 101 101 101 101 101 101 101 1	STATE SUI NJ			4.83		76.18
				NJ EE WORKFORCE	DEV		0.54		8.45
DESCRIPTION	CURRENT (\$)	YTD (\$)	Service Servic	NJ EMPLOYEE FLI			1.14		17.93

TOTAL

CURRENT (\$) YTD (\$) **NET PAY** 950.10 14823.25

**CHECKING 1 - 0135** 

Net Pay

14823.25

14823.25

950.10

950.10